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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,296	12/21/2001	Jong-Hyun Jin	P-0302	3224

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EXAMINER

JAMAL, ALEXANDER

ART UNIT PAPER NUMBER

2614

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,296

Applicant(s)

JIN ET AL.

Examiner

Alexander Jamal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4 and 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,5-8 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Based upon the submitted amendment via RCE (1-24-2006), the examiner notes that claims 1,2,4,9-14 have been cancelled, claims 3,5,6,7,8,15,17,19,20,21,22,23 have been amended and claim 24 has been added.

Claim Rejections - 35 USC § 112

1. **Claims 7,8** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claim 7**, it claims ‘selecting to receive the video call or the voice call identified’. It is not clear whether the selecting is made between the voice or video call, or if the selecting is to receive the already distinguished call type (as supported by further elements of claim 7 that state “connecting one of the video call or the voice call...”) or to completely refuse the call (as supported by claim 8). For the purposes of examination, examiner assumes the called device user may select to receive the detected call type or refuse the call completely, but further notes that Irube supports the called device user being able to select either a voice or video mode when a video call request is received from a calling device (Col 17 lines 10-20).

As per **claim 8**, it depends from claim 7 which states that a user at the called device (destination terminal) selects a voice or video call and that voice or video call is connected. Claim 8 states that the neither the voice or video call is selected. It is not clear how the call type can be selected and not selected at the same time. For the purposes of examination, examiner assumes claim 7 supports the option of the user to completely refuse a requested call.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 3,5-8,15-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Irube et al. (6377818).

As per **claim 3**, Irube discloses a mobile telephone system that sends/receives connection requests (wirelessly transmitting an originating message with a sub-address). The requests inherently comprise an NDC for the purpose of routing the call through the correct calling relay (examiner notes that the 'NDC' could be read as the exchange

number, the area code, or any additional signaling required to properly route the call as per a known standard). The request further inherently comprises a subscriber number for the purpose of directing the call to the correct subscriber. The call request data structure further comprises a subaddress that notifies the destination terminal as to which communication medium should be used to connect the call (voice mode or video mode) (ABSTRACT, Col 16 lines 43-58, Col 18 lines 15-27). The subaddress is the origination continuation message. The request is received by a destination terminal (Col 18 lines 35-50) (the call must determine whether there is an origination continuation message in order to send the acknowledgement (Col 18 line 40)). The calling and receiving devices comprise on/off switches that control power to the functional components the powered up or powered down state determines whether the distinguishing function is set active (Col 6 lines 30-45). When active the destination terminal will distinguish between a video or voice call based upon messaging that may be contained in the subaddress (which is in the origination continuation message) (these are the steps of distinguishing a voice/video call, determining if the distinguishing function is set (via the on/off switch) and determining if the origination continuation message is received) (Col 18 lines 15-30, Col 13 lines 35-45). The calling device calls the called device and confirms if the called device can perform in video mode (video/voice multiplexed mode) and if the called device grants execution of the mode. If the called device is able grant execution of the mode, it must be able to distinguish between a voice only call or video/voice multiplex call. Once the type of call has been negotiated between the terminals, the call is connected accordingly (connecting the call as a voice or video call).

As per **claims 15**, claim rejected for same reasons as claim 3 rejection. The called device determines if the origination message contains an origination continuation message (Col 18 lines 15-30, Col 13 lines 35-45). The calling device determines whether the distinguishing function is set active in the called device based on either a lack of response (the called device is powered down) or if the called device does not support video/voice multiplex mode, then the distinguishing function will not be set active. If the called device supports video/voice mode and is powered on, then the distinguishing function will be active and the appropriate mode (voice only or video/voice) will be set. Examiner reads the open air between the two wireless devices as both the video communication medium and the voice communication medium that is used in either mode. In the case where the called device does not support video/voice mode, but is powered on, the distinguishing function is not set because it does not exist, and the call is connected in the voice mode (over the voice medium).

As per **claim 21**, claim rejected for same reasons as claim 1 rejection, Irube discloses the means to perform the method of the claim 1 rejection. Both the calling and called devices comprise displays. After receiving a call request, the user selects to receive the call by answering or granting execution the phone/video call (Col 9 lines 25-60) (Col 13 lines 30-52).

As per **claims 5**, claim rejected for the same reasons as the claim 15 rejection.

As per **claims 6**, since the device receives digital data, the system must wait a predetermined time for the origination continuation information to be processed with the amount of time being determined by the clocking rate of the device. The device determines the type of call based upon the subaddress.

As per **claims 7,8**, the claims are rejected for same reasons as the claim 21 rejection. The called device user may select to receive the video call request, or voice call request when a video call is received. The called device user may refuse any call type request at any time by using the on/off power down button on the device. Once this occurs a refusal message will be transmitted to the calling device. Examiner reads 'refusal message' as any signaling that is applied by the communications network to the calling device to notify calling device that there is no longer a connection between the two devices.

As per **claim 16**, the appropriate medium is chosen based upon the type of call (Col 19 lines 3-43).

As per **claim 17**, claim rejected for same reasons as claim 6. The device may look for a subaddress, or use the calling information (without the subaddress) to determine the call type (Col 18 lines 15-27).

As per **claim 18**, claim rejected for same reasons as specified in the claim 7,8 rejections.

As per **claim 19**, claim rejected for same reasons as claim 3 rejection.

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As per **claim 20**, the calling device determines whether to connect the video/voice multiplex call based on whether a called device supports the video/voice mode, and based on either an acknowledgement, or refusal message sent from the called device back to the calling device (Col 13 lines 39-41). Additionally the claim can be rejected for the same reasons as the claim 7,8, rejections.

As per **claims 22**, the claim is rejected for the same reasons as the claim 21 rejection.

As per **claim 23**, the claim can be rejected for the same reasons as the claim 7,8, rejections.

As per **claim 24**, the called device may use multiple items in the originating message to determine the call type including a subaddress and transmission performance. Either one could be an origination continuation message. As such, the called device must be able to detect the presence of the origination continuation message.

Response to Arguments


2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ
May 4, 2006


CURTIS A. KUNTZ
SENIOR EXAMINER
ART UNIT 2600